

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 22, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:08od-105

Oahu

Grant of Perpetual, Non-Exclusive Easement to the Department of
Defense for Emergency Civil Defense Siren, Waikiki, Honolulu,
Oahu, Tax Map Key 2-3-37:12

APPLICANT:

Department of Accounting and General Services (DAGS) on behalf of
Department of Defense (DOD), 3949 Diamond Head Road, Honolulu,
Hawaii 96816

LEGAL REFERENCE:

Sections 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honolulu situated at Waikiki
Honolulu, Oahu, Tax Map Key: 2-3-37:12 (portion) as shown on the
attached map labeled Exhibit A.

AREA:

36 square feet, more or less, to be determined by DAGS Survey
Division.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: Special Management Area (SMA)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

EO 1795 set aside to Division of Boating and Ocean Recreation for
Ala Wai Boat Harbor

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, and repair and remove emergency civil defense siren over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

TERM:

Perpetual.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance DAGS, the project is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3, Item No. d that states "Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such structures or facilities."

DCCA VERIFICATION:

Not applicable for government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at applicant's own cost, and
- 2) Process and obtain subdivision at Applicant's own cost.

REMARKS:

The Hawaii Department of Defense has requested a perpetual, non-exclusive easement for an emergency Civil Defense siren and remove the existing siren which is located about 42 feet away. The new siren consists of a new pole and upgraded siren with a photovoltaic panel at the top of the pole located away from trees that could shade the panel. The Division of Boating and Ocean Recreation (Boating) objected to the relocation that would interfere with their planned sewer upgrades and new pump house at the proposed relocation site. Consequently, DAGS revised their plans by confirming that the upgrade construction will remain in the present location to accommodate the Boating Division's plans.

The City and County of Honolulu, Department of Planning and Permitting provided written comments informing the Department of Accounting and General Services and the DOD that civil defense warning systems are exempt from SMA requirements. The State Historic Preservation Division provided written comments and that an archeologist will field monitor the excavations. The Office

of Hawaiian Affairs supports the proposed use however prefers a term easement on ceded lands to be reviewed on a regular basis.

For the Board's information, there is no disposition for the existing siren pole. To clarify the management jurisdiction of the subject siren pole, staff has no objections to the request.

RECOMMENDATION: That the Board:

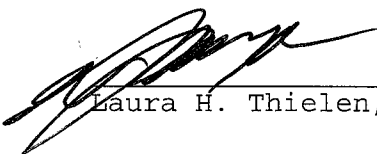
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the Department of Defense covering the subject area for an emergency civil defense siren purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a construction right-of-entry to DAGS to remain in effect until the easement document is executed, subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



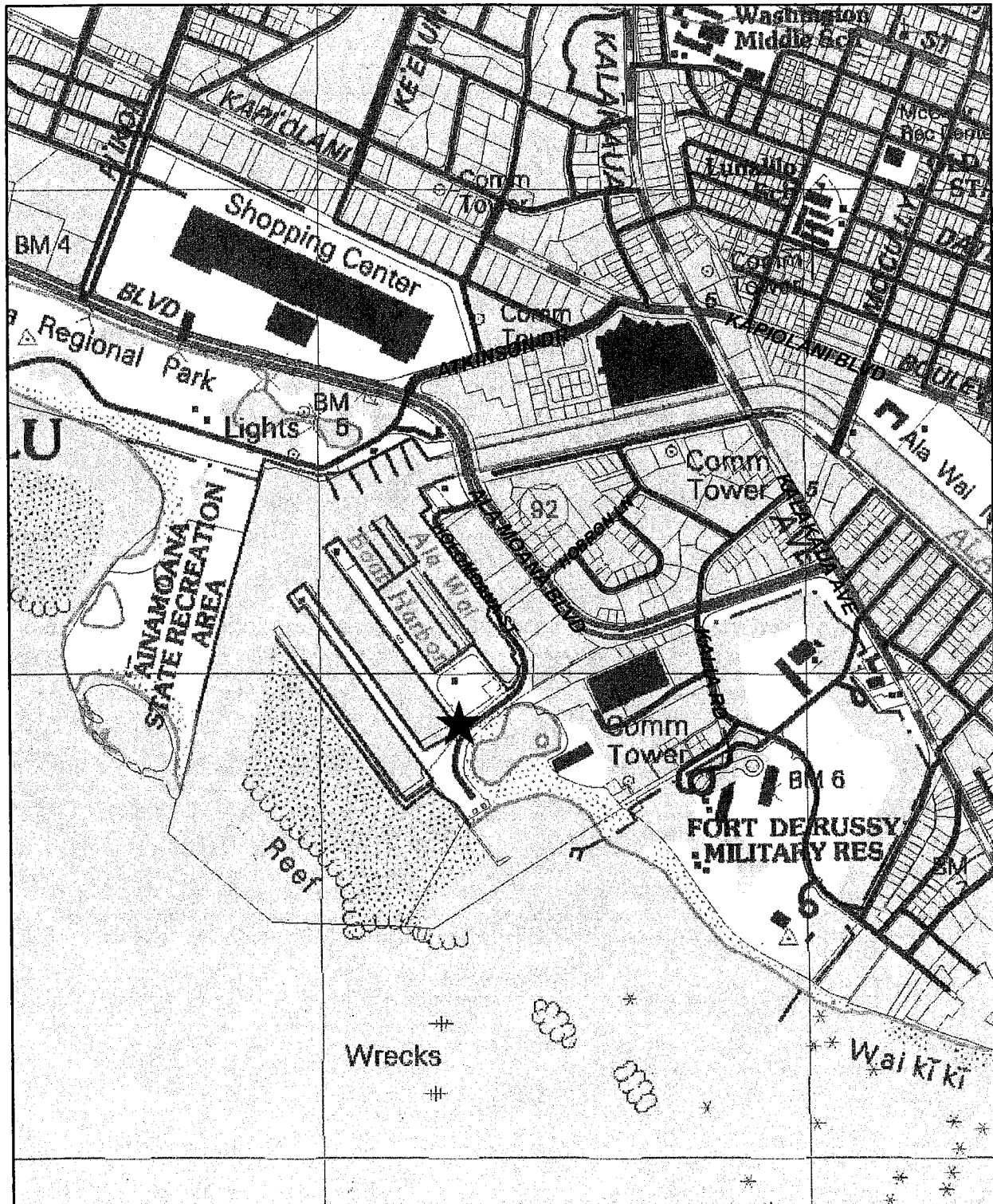
Laura H. Thielen, Chairperson



SITE LOCATION MAP

ISLAND: OAHU

SITE NAME: Ala Wai Yacht Harbor



0 500 1,000 2,000 3,000 Feet

EXHIBIT "A"

